

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7138
BILL NUMBER: SB 436

DATE PREPARED: May 4, 2001
BILL AMENDED: Apr 29, 2001

SUBJECT: Funding for Autopsy Costs.

FISCAL ANALYST: Kathy Norris
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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

LOCAL IMPACT	CY 2001	CY 2002	CY 2003
Local Revenues	103,200	206,400	206,400
Local Expenditures	103,200	206,400	206,400
Net Increase (Decrease)	0	0	0

Summary of Legislation: (CCR Amended) This bill provides that photographs, and audio and video recordings of an autopsy may not be disclosed by a public agency. It provides that the cost of an autopsy requested by a party other than the local health official, county prosecutor, or county coroner must be paid by the requesting party. The bill also provides that the cost of an autopsy of a person who dies in a county where the person does not reside and that has at least one air ambulance shall be paid by the county where the incident occurred that caused the death of the person. The bill provides that photographs and audio or video recordings of an autopsy in the custody of a physician, coroner, or coroner's designee are confidential. It makes exceptions to the confidentiality requirements for a surviving spouse, surviving parents, adult children, and certain units of local, state, and federal government. The bill empowers a court to issue an order authorizing a person to view, copy, or listen to confidential autopsy information. It also requires a surviving spouse to be given notice, an opportunity to be heard, and a copy of a petition seeking a court order for confidential autopsy information. The bill creates a Class D felony if a physician, coroner, or coroner's designee violates the autopsy information requirements. The bill also creates a Class D felony if a person violates a court order relating to confidential autopsy information. The bill further provides that a physician, coroner, or coroner's designee who has custody of a photograph, a video recording, or an audio recording of an autopsy may allow the use of the photograph, video recording, or audio recording for educational or training purposes if all information that identifies the individual on whom the autopsy is performed is removed.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (Revised) The bill establishes a new Class D felony for the improper release of a photograph, a video recording, or an audio recording of an autopsy. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: (Revised) If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: (Revised) This bill would provide for billing for reimbursement of the cost of autopsies ordered by the Coroner or the County Health Officer in instances where an individual is injured in another county and subsequently dies in a county in which an air ambulance provider is located. Currently three counties have an air ambulance located within the county; Marion, Allen, and Fulton counties have helicopter service available. (The air ambulance service based in Rochester is the second helicopter of the Fort Wayne-based Samaritan Service.) The bill allows the Coroners of Allen, Fulton, or Marion Counties, to bill the county where an incident took place that necessitated the transport of an individual who subsequently died in Allen, Fulton, or Marion County.

In 1998, the State Board of Health had reports of Coroner-ordered autopsies on 81 Indiana residents who were not residents of Marion County and 43 out-of-county Indiana residents in Allen County. Fulton County had no reports. (The Samaritan helicopter service was not operating in Rochester during 1998.)

The Allen County Coroner's Office reports the cost of an autopsy to be between \$1,000 and \$1,600 depending on individual circumstances. The Indiana University Forensic Science Department, which is under contract to the Marion County Coroner, reported a similar range although the procedures are not charged on an individual basis under the terms of the contract.

Marion and Allen Counties reported a total of 129 procedures on out-of-county Indiana residents in CY 1998. If the cost of the autopsies is assumed to range between \$1,000 and \$1,600 per procedure, the cost of this bill would be expected to fall within a range of \$129,000 to \$206,400 annually. This cost estimate does not include the impact of the Rochester-based Samaritan helicopter since the service was not started until late last year.

If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: (Revised) The Coroners in Marion, Allen, and Fulton counties would have reimbursements of expenditures equal in amounts to the expenditures incurred by the counties that are billed

for services.

If additional court actions occur as the result of the improper release of video recordings, audio recordings, or photographs of an autopsy, and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Coroners' Offices in Marion, Allen, and Fulton Counties and any other counties where regional hospitals might implement air ambulance services; Trial courts; local law enforcement agencies.

Information Sources: State Department of Health, Epidemiology Division, Linda Stemnock, (317)-233-7536; Mr. Dick Alfeld, Allen County Coroners Office, and Dr. Pless, IU Department of Forensic Science; Indiana Sheriffs Association; Department of Correction.